

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America

v.

Dennis Nadeau

Case No.

14-5538 (KMW)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May and June 2013 in the county of Atlantic in the
District of New Jersey, the defendant(s) violated:

Code Section

18 U.S.C. section 1512(b)

Offense Description

Defendant Dennis Nadeau knowingly engaged in misleading conduct towards another person, with intent to influence, delay, or prevent the testimony of that person in an official proceeding, namely, the trial in the United States District Court for the District of New Jersey in United States v. Adam Lacerda et al., No. 12-303(NLH).

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

A handwritten signature in blue ink, appearing to be "John J. Mesisca".

Complainant's signature

John J. Mesisca, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/26/2014City and state: Camden, New Jersey

A handwritten signature in blue ink, appearing to be "Karen M. Williams".

Judge's signature

Karen M. Williams, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
JUL 18 1968

UNITED STATES DISTRICT COURT

DEPT. OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

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UNITED STATES DISTRICT COURT

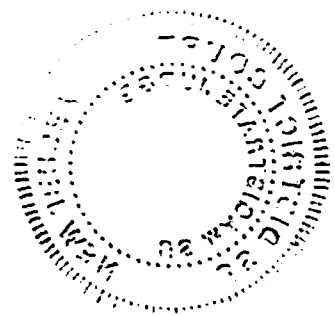
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UNITED STATES DISTRICT COURT



ATTACHMENT A

I, JOHN J. MESISCA, a Special Agent with the Federal Bureau of Investigation ("FBI"), having participated in an investigation and having discussed this matter with other law enforcement officers involved in this investigation, have knowledge of the following facts:

1. Defendant Dennis Nadeau worked for VO Group, Inc., and its successor VO Financial, Inc., from January 2010 through at least August 2013.

2. On November 4, 2010, FBI agents executed a search warrant at the offices of the VO Group, seized numerous files including files relating to customers of the VO Group, and interviewed VO Group employees. Defendant Nadeau testified at the subsequent criminal trial, in substance and in part, that he was aware of the interviews and the execution of the search warrant, including that the FBI seized files of VO Group customers.

3. On April 12, 2012, the United States filed criminal complaints charging VO Group President Adam Lacerda, his wife and VO Group Chief Operations Officer Ashley Lacerda, Ian Resnick, and several others with conspiracy to commit mail fraud and wire fraud, as well as individual acts of mail fraud and wire fraud. Defendant Nadeau testified at the subsequent trial that he read the criminal complaint against Adam Lacerda and Ashley Lacerda.

4. As part of their conditions of release, the Court ordered Adam Lacerda, Ashley Lacerda, and Ian Resnick, in substance and in part, to avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution.

5. A few days after the criminal complaints were filed, VO Financial was formed and continued operating as the successor to the VO Group. Employees who had worked at the VO Group, including Adam Lacerda, Ashley Lacerda, Resnick, and defendant Nadeau, continued their work at VO Financial.

6. On May 3, 2012, the United States filed an indictment charging Adam Lacerda, Ashley Lacerda, Resnick, and four other VO Group employees with conspiracy to commit mail fraud and wire fraud, as well as individual acts of mail fraud and wire fraud. United States v. Adam Lacerda et al., Crim. No. 12-303 (NLH). In substance and in part, the indictment charged that the defendants made numerous misrepresentations to owners of timeshares and persuaded those

victims to send a total of over \$2.6 million to the VO Group. As charged in the indictment, VO Group employees told their victims, among other lies, that VO was working with or for the banks that held the loans on their timeshares and that VO could eliminate the victims' debts. The indictment further alleged that VO Group employees falsely told customers that, for a fee, VO could cancel their timeshares, save the customers money, and even secure a refund. For over 20 victims identified by their initials, the indictment contained specific information about the date and dollar amount of the funds that the victims sent to the VO Group. Defendant Nadeau testified at the subsequent trial that he learned about the criminal charges when the indictment came out and that he read the indictment.

7. Beginning in September 2012, as part of the discovery in United States v. Adam Lacerda et al., the VO Group's individual customer files were made available to the defense, along with FBI forms FD-302 summarizing FBI interviews with the customer victims. This discovery contained the full names, addresses, and telephone numbers of victims, including the victims identified by initials in the indictment. Along with their respective counsel, Adam Lacerda and Ashley Lacerda reviewed the discovery.

8. On January 23, 2013, the United States filed a superseding indictment against Adam Lacerda, Ashley Lacerda, Ian Resnick, and seven other employees of the VO Group. Except for the addition of three defendants and some clarification of the charges, the superseding indictment was substantially identical to the indictment. On March 7, 2013, the Court scheduled trial to start on July 8, 2013.

9. Adam Lacerda, Ashley Lacerda, and Ian Resnick continued to work at VO Financial while they were under indictment and awaiting trial. Defendant Nadeau continued to work at VO Financial and was a subordinate of Adam Lacerda, Ashley Lacerda, and Ian Resnick.

10. In April and May of 2013, Ashley Lacerda directed defendant Nadeau to call numerous victims of the VO Group, try to persuade them that they had not been defrauded by the United States v. Lacerda et al. defendants, and offer them refunds.

11. Defendant Nadeau testified at the trial, in substance and in part, that before calling the victims as directed by Ashley Lacerda, he reviewed the information in VO's Pipeline system about the victims, including notes entered into the Pipeline system by

other VO employees, recordings of calls made, and documents uploaded into the Pipeline system.

12. In May and June 2013, defendant Nadeau called numerous individuals who had spoken to the FBI and who were victims of the United States v. Adam Lacerda et al. trial defendants and actual or potential trial witnesses. During these calls, defendant Nadeau engaged in misleading conduct with an intent to influence the testimony of the individuals. For example:

a. Defendant Nadeau made numerous telephone calls to EC in May and June 2013. The indictment identified EC by initials as a victim and, by clear inference, a potential trial witness. The indictment further stated that EC made \$23,339.96 in credit card payments to the VO Group in April 2010. The Pipeline notes stated that EC paid \$23,339.86 to VO Group in April 2010. Pipelines notes dated May 25, 2012 and October 25, 2012 stated, in substance and in part, that EC was not to be contacted by anyone. Nevertheless, Ashley Lacerda wrote a note to defendant Nadeau on May 30, 2013, shortly before the start of trial, telling him to tell EC about the "original goals" and to talk to her about a vacation package. Nadeau then called EC several times. During a call on June 1, 2013, which Nadeau recorded without EC's knowledge, Nadeau made several false statements about EC's dealings with the VO Group and asked EC to agree with his false statements. These false statements were consistent with defense arguments that would be presented at trial and, if adopted by EC, could have been used to negate the impact of EC's trial testimony. For example, Nadeau falsely told EC that she had originally contracted for a debt reduction deed replacement service, that VO had advised her that it would obtain a deed in lieu of foreclosure for her, and that EC had problems because she decided not to listen to VO's advice. Nadeau ended the call by saying that he had everything he needed and that EC probably would get a refund. EC did not get a refund. EC subsequently testified at trial.

b. Defendant Nadeau also made a call on June 12, 2013 to victim and potential trial witness DJ. Information about DJ identifying DJ as a victim and potential trial witness was provided to the defense counsel and defendants with the discovery in United States v. Adam Lacerda et al. Ashley Lacerda wrote several Pipeline notes about DJ, including a note identifying DJ as someone who spoke to the government

on several occasions in 2010 and 2011. The Pipeline system also included a telephone call with MJ, DJ's wife, in which she said, in substance and in part, that she had been talking to the FBI. By his practice, defendant Nadeau would have reviewed the notes and the telephone call before calling DJ and therefore would have known that DJ was a victim and potential trial witness. Nadeau called DJ on June 12, 2013 and recorded the call without DJ's knowledge. During the call, Nadeau made several false statements. For example, Nadeau stated that the reason he was calling was that he was just trying to update a file. Nadeau further told DJ that everything was explained in detail to DJ and that DJ did not follow the VO Group's instructions. When DJ told Nadeau that he did not want to talk to Nadeau and that Nadeau should call the FBI, Nadeau responded, in substance and in part, with the false and misleading statement that VO was already in contact with the FBI. DJ's wife MJ testified at trial.

c. Defendant Nadeau also made a call to CD on May 25, 2013. Discovery materials provided to the defense identified CD as a victim and potential trial witness who spoke to the FBI and paid VO \$12,000. The Pipeline notes identify CD as someone who paid VO \$12,000. Nadeau stated during the call that he (Nadeau) knew before the call that CD had been contacted by the FBI. Nadeau had no business reason for the call, as CD had not dealt with VO for over two years. Nadeau made numerous false statements during the call, which Nadeau recorded without telling CD the call was being recorded. Nadeau falsely told CD, in substance and in part, that VO had gotten CD out of his contract with Wyndham, that Wyndham was the biggest culprit, that VO was not able to complete its services to CD because the FBI got involved, that VO's services worked for CD, that FBI searched VO's office because Wyndham contacted the FBI, and that all the people who were arrested pled guilty.

d. Defendant Nadeau also made a call on May 22, 2013 to victim and potential trial witness RW. The Pipeline notes that Nadeau would have reviewed before the call informed Nadeau that RW had faxed information to the FBI and that Ian Resnick was her VO sales representative. A note written on May 16, 2013 stated, in substance and in part, that RW stated during a call on that date that VO Group took her money and that she would not deal with the VO Group. The May 16 note stated, in substance and in part, do not call her. Nadeau

nevertheless called her on May 22, 2013 and told her, in substance and in part, the VO could refund her \$6,000 and that she could start going on vacations. During the call, Nadeau made false statements to her, including the statements, in substance and in part, that not everybody was convicted, that the FBI could not help her, and that the people who handled her case no longer worked at VO. In fact, no one had been acquitted and Ian Resnick still worked at VO Financial at that time.

CONTENTS APPROVED
UNITED STATES ATTORNEY

By:
R. David Walk, Jr., AUSA

Date: June 26, 2014